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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : M. S. BRIGHT et al.

Conf. No. 8261

Appln. No. : 09/303,368

Group Art unit: 3627

Filed : April 30, 1999

Examiner: G. J. O'Connor

For : **PRE-PROCESS FOR INBOUND SALES ORDER REQUESTS WITH  
LINK TO A THIRD PARTY AVAILABLE TO PROMISE SYSTEM**

**REQUEST FOR PRE-APPEAL BRIEF REVIEW**

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Window, Mail Stop AF  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314  
Sir:

This request is being filed concurrently with a Notice of Appeal and is responsive to the Final Official Action of October 20, 2005.

Reconsideration and withdrawal of the single 35 U.S.C. § 103(a) rejection is respectfully requested in view of the following remarks.

***A prima facie case of unpatentability has not been set forth and the  
Rejection Under 35 U.S.C. § 103(a) Is Improper***

**Examiner's Assertion**

In rejecting claims 1, 3, 4, 6, 8, 9, 11, 13-15 and 25-31 as being unpatentable over JOHNSON alone, the Examiner asserted that:

[JOHNSON] clearly anticipates all of the substantive elements of the instant invention, except that the system of [JOHNSON] is an integrated, unitary system, performing all necessary processing steps/functions, whereas the system contemplated by the instant invention, while performing exactly the same steps/functions overall, merely splits the various processing steps/functions out into two separate modules or processing systems, a "pre-processor" and a "processor".

**Applicants' Response**

Applicants respectfully disagree that JOHNSON anticipates or renders obvious all of the substantive elements of the instant invention. In particular, Applicants submit that JOHNSON does not disclose or suggest the combination of features recited in at least independent claims 1 and 31.

In particular, independent claim 1 recites, for example:

an order interceptor receiving and pre-processing electronic sales order data prior to transmitting to the order processing system, the order interceptor being capable of adding, changing and deleting electronic sales order data, wherein changes to an electronic sales order are logged so as to provide an audit trail of activity.

Additionally, independent claim 31 recites, for example:

an order interceptor receiving and pre-processing electronic sales order data prior to transmitting to the order processing system, wherein pre-processing the electronic sales order includes splitting the electronic sales order into at least two separate requests prior to transmitting to the order processing system.

First, JOHNSON does not disclose or suggest an order interceptor that receives and pre-processes electronic sales order data prior to transmitting to the order processing system such that the order interceptor is capable of adding, changing and deleting electronic sales order data, much less, that changes to an electronic sales order are logged so as to provide an audit trail of activity. Indeed, the Examiner has failed to identify any language in JOHNSON whatsoever which even remotely discloses or suggests this feature. Applicants acknowledge that, on page 6 of the instant Final Office Action, the Examiner asserts that this feature is taught at col. 15, lines 60-62 of JOHNSON. However, this assertion is without merit.

The noted language of JOHNSON merely states the following:

Electronic sourcing system 5 also contains the capability to log messages returned from inventory sourcing program or programs 44B of Fisher RIMS system 40.

Such language is hardly suggestive of an order interceptor that receives and pre-processes electronic sales order data prior to transmitting to the order processing system such that the order interceptor is capable of adding, changing and deleting electronic sales order data, much less, that changes to an electronic sales order are logged so as to provide an audit trail of activity. Nor has the Examiner explained how such language is suggestive of this feature.

Second, JOHNSON does not disclose or suggest an order interceptor receiving and pre-processing electronic sales order data prior to transmitting to the order processing system, wherein pre-processing the electronic sales order includes splitting the electronic sales order into at least two separate requests prior to transmitting to the order processing system. Indeed, the Examiner has acknowledged as much on page 4 of the instant Final Office Action (see lines 1-2 of page 4 of the Final Office Action). Furthermore, while Applicants acknowledge that, on page 4 of the instant Final Office Action, the Examiner asserts that this feature “is certainly [a] well known”, the Examiner has failed to identify any prior art document which would support this assertion. To the extent that the Examiner relies upon official notice in support of the instant rejection, Applicants remind the Examiner that MPEP 2144.03 specifically explains that “[o]fficial notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are

capable of instant and unquestionable demonstration as being well-known.”

Accordingly, Applicants respectfully request that the Examiner produce documentary evidence to support the Examiner's assertions to the extent that the Examiner is relying on official notice.

Third, Applicants submits that the system of JOHNSON relies extensively on human manual interaction to search catalog databases and to *subsequently build an order*. As a result, JOHNSON does not teach intercepting or receiving a "completed" order submission and checking for portions of the sales order that can be satisfied as recited by claim 1 of the invention or, for example, automatically checking and processing the order against pre-existing business rules as recited in claims 3 and 8. Nor does JOHNSON teach automatically correcting the order against business rules as recited in claim 6. JOHNSON also does not disclose a means for automatically detecting errors, and providing a means for editing, or updating an order submission, as does the present invention in claims 3, 4, 6, 8 and 11.

Fourth, Applicants do not dispute that JOHNSON is capable of creating an order list including desired catalog items available from vendor product catalogs as a result of such a database search. To provide these functions, JOHNSON shows a computer that maintains a catalog database including product information relating to catalog items available from vendor product catalogs, and a means for generating a requisition including at least one requisitioned item. Information at least partially identifying an item desired to be requisitioned is entered *manually by a user*, and utilized for searching the database for catalog items matching that information and for selecting at least one item as a result of the search. Data identifying the selected catalog items are communicated

to the requisition building module, which generates a requisition including entries for items corresponding to the selected catalog items. Additionally, JOHNSON may check the availability of one or more inventory locations of the corresponding catalog items (See, cols. 2 and 3). However, these features are not suggestive or the features recited in at least claims 1 and 31 and the Examiner has not demonstrated otherwise.

Accordingly, Applicants submit that JOHNSON does not disclose or suggest the combination of features recited in the above-noted claims 1, 3, 4, 6, 8, 9, 11, 13-15 and 25-31, and the above-noted obviousness rejection should be withdrawn.

CONCLUSION

Reconsideration of the Final Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Respectfully submitted,  
M. S. BRIGHT et al.

A handwritten signature in black ink, appearing to read 'Andrew M. Calderon', with a stylized, looping flourish extending to the right.

Andrew M. Calderon  
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January 18, 2006  
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